

## **REMARKS**

Claims 1-10 were presented for examination and were pending in this application. In an Office Action dated July 6, 2007, claims 1-10 were rejected.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Response to Rejection Under 35 USC 102(b) and 103(a)**

In the 4th paragraph of the Office Action, the Examiner rejects claims 1-8 under 35 USC § 102(b) as allegedly being anticipated by Boncyk, WO 03/041000. Additionally, in the 6th paragraph of the Office Action, claims 9-10 are rejected under 35 USC § 103(a) as allegedly unpatentable over Boncyk. These rejections are now traversed.

Independent claim 1 as amended recites:

A system for image-based information retrieval from search engines, characterized by a) a terminal with a built-in camera that is connected to a remote data transmission network; b) a server computer on which an object recognition program is running, which analyses images sent to it and provides them with a symbolic indexing; c) a search engine that uses the indexed image to find information about the image and sends it back to the terminal.

Thus, the claimed invention specifically recites that the information retrieval is from search engines, using a symbolically indexed image to find the information. Boncyk, in contrast, does not contemplate the use of search engines, instead disclosing only retrieval from a conventional database. Indeed, a later Boncyk application, Application Serial No.

11/204,901, filed August 15, 2005,<sup>1</sup> and a continuation-in-part of Application Serial No. 09/992,942, filed November 5, 2001, explicitly states:

Several years ago the present inventors pioneered the concept of using digitally captured images to identify objects within the images, and then using such identifications to retrieve information from various databases.

...  
It was not appreciated, however, that one could integrate these concepts with the searching capabilities of standard Search Engines.

...  
The present invention provides apparatus, systems and methods in which: . . . (c) the search criteria are submitted to a Search Engine to obtain information of interest[.] (citation, emphasis added)

Thus, Boncyk himself, presumably one of ordinary skill in the relevant art, admits that the claimed use of search engines was not contemplated—that is, not disclosed or suggested—in his own earlier applications. It would be improper, then, for the Examiner to substitute his own judgment as to what Boncyk WO 03/041000 discloses over the very admissions of Boncyk himself. Thus, Boncyk WO 03/041000 does not anticipate independent claim 1.

Claims 2-8 and 9-10 depend from independent claim 1 and recite additional patentably distinguishable features and limitations. Thus, for at least this same reason, Boncyk WO 03/041000 does not anticipate claims 2-8 and 9-10. Additionally, added claims 11-31 also recite the use of search engines, and are therefore likewise allowable for at least this same reason.

---

<sup>1</sup> Note that the filing date of the present application is February 20, 2004, and thus precedes the filing date of Boncyk's Application Serial No. 11/204,901, the first Boncyk application to mention the use of search engines.

### **Conclusion**

Applicant respectfully invites the Examiner to contact Applicant's representative at the number provided below if he believes it will help expedite furtherance of this application.

Respectfully Submitted,  
HARTMUT NEVEN, SR.

Date: January 14, 2008

By: /Christopher King/  
Christopher P. King, Reg. No. 60,985  
Attorney for Applicants  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7633  
Fax: (650) 938-5200